

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DERRICK BELL,

Petitioner,

-against-

DAVID L. MILLER, Superintendent of Eastern
Correctional Facility, ELIOT SPITZER, Attorney
General of New York, and RAYMOND CUNNINGHAM,
Superintendent of Woodbourne Correctional Facility,

JUDGMENT
05-CV- 0663 (ARR)

IN CLERK'S OFFICE
U.S. DISTRICT COURT
★ AUG 16 2005 ★

Respondents.
-----X

P.M. _____
TIME A.M. _____

An Order of Honorable Allyne R. Ross, United States District Judge, having been filed on August 15, 2005, granting petitioner's motion to amend the caption; denying the petition for a writ of habeas corpus; denying as moot petitioner's motion for release on recognizance or surety pending the deposition of his petition for habeas corpus; and ordering that no Certificate of Appealability will be granted; it is

ORDERED and ADJUDGED that petitioner take nothing of the respondents; that petitioner's motion to amend the caption is granted; that the petition for a writ of habeas corpus is denied; that petitioner's motion for release on recognizance or surety pending the disposition of his petition for a habeas corpus petition is denied as moot; and that no Certificate of Appealability will be granted.

Dated: Brooklyn, New York
August 15, 2005

ROBERT C. HEINEMANN
Clerk of Court